

## REMARKS

Reconsideration of this application and entry of this amendment is requested on the ground that the application is in condition for allowance.

Paragraph 0012, lines 12 and 13, of the specification has been amended to correct the reference numbers for plate 18 and tubes 21. These reference numbers conform to the description of plate 18 and tubes 21 in paragraph 0012. New matter has not been added to paragraph 0012.

The allowance of Claims 5, 10, 11 and 16 to 22 is noted and appreciated.

Claims 6 and 8 have been amended to depend upon allowed Claim 5. Claim 9 depends upon Claim 8. These claims more particularly define the tight fit engagement of the ball knobs in the ends of the tubes. Claim 9 includes the circumferential ribs on the convex side walls of the knobs that are located in bias contact with the inside wall of the spindle. The ribs compensate for dimensional tolerances of the inside walls of the spindles and ensure a tight fit engagement between the knobs and the spindles.

Claim 7 depends upon Claim 6. This claim further defines the inside walls of the spindle as having inwardly directed projections engageable with the knobs to inhibit rotation of the spindles relative to the knobs.

Applicant requests that dependant Claims 6 to 9 be allowed along with allowed Claim 5.

Claim 1 has been amended to define the first and second spacers as disks located between the ball knobs and rails. The ends of the spindles engage the disks whereby the spindles do not contact the rails. The disks separate the ends of the spindles from the rails thereby inhibiting chemical corrosion of the spindles. *Paragraph 0020, lines 8 and 9.*

Allowed Claims 5 and 16 define the spacers as disks. The prior art does not disclose or suggest spacer disks between ball knobs and rails that the space the ball knobs and ends of the

spindles from the rails.

The disclosure of *Roth* has been considered by the Examiner with respect to allowed Claims 5 to 16. *Roth* discloses four embodiments of a rail connection. The first embodiment, shown in Figures 1 to 3, has a cylindrical block 11 having a threaded hole 12. Screw 13 extended through a hole in rail 18 secures block 11 to rail 12. The sleeve connecting member 15 connects bar 16 to block 11. There is no spacer between cylindrical block 11 and rail 18. Figure 1 shows and describes "small connecting members 10 [which] are inserted between the rails and balusters." *Column 2, lines 55 to 57*. There is no disclosure in Figure 1 of spacers between ball knobs and the rails 8 and 9. The members 10 are sleeve connecting members as shown for example in Figures 2 and 3. There is no disclosure in *Roth* of spacer disks secured to the rails with fasteners that also connect the ball knobs to the rails and space the ball knobs and spindles as defined in Claim 1.

Figure 4 discloses a modification of connecting the cylindrical block 11 to tubular rod 21. The flat ends of block 11 and the end of rod 21 are "center punched" at 14 to allow swinging of the member 15 to various angles. *Column 3, lines 1 to 5*. A center punch is used to press opposite portions of rod 21 into block 11. The punched portions 14 define the axis around which the member 15 swings. The punched portions 14 do not extend completely around the cylindrical block or even across the diameter of the ends of the cylindrical block 11. There are no spacer disks shown in Figure 4 of *Roth*.

Claims 2 to 4, 12 to 15 and 23 to 42 have been cancelled without prejudice.

The amendment is timely and does not raise new issues or require further searches and consideration. The novelty of spacer disks associated with the ball knobs, spindles and rails has been determined in allowed Claims 5 and 16. The novel structure is now included in amended Claim 1.

In view of the above remarks Applicant requests entry of the amendment and allowance of Claims 1 and 6 to 9 along with allowed Claims 5, 10, 11 and 16 to 22.

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Signature

January 31, 2005

Date of Signature